

KENTUCKY BOARD OF DENTISTRY

LAW ENFORCEMENT COMMITTEE MEETING OCTOBER 18, 2006

CALL TO ORDER: The Law Enforcement Committee meeting was called to order at 9:00 a.m. A motion was made by Dr. Babcock to go into closed session pursuant to KRS 61.810(1) (c) and (j). Dr. Dew seconded the motion. Both were in favor. A motion was made by Dr. Babcock to come out of closed session. Dr. Dew seconded the motion. Both were in favor. The committee meeting adjourned at 5:30 p.m.

LAW ENFORCEMENT COMMITTEE MEETING November 10, 2006

CALL TO ORDER: The Law Enforcement Committee meeting was called to order at 9:00 a.m. A motion was made by Dr. Dew to go into closed session pursuant to KRS 61.810(1) (c) and (j). Dr. Babcock seconded the motion. Both were in favor. A motion was made by Dr. Dew to come out of closed session. Dr. Babcock seconded the motion. Both were in favor. The committee meeting adjourned at 3:30 p.m.

BOARD MEETING November 11, 2006

CALL TO ORDER: President David Narramore, D.M.D. called the meeting to order at 9:10 a.m.

Roll Call: Present Board members were David Narramore, D.M.D.; William Dew, D.M.D.; Jim Allen, D.M.D.; Chris Babcock, D.M.D., M.D.; Dianne Embry, R.D.H.; and Julie Gaskill, D.M.D. Staff present were Eric Clark, Executive Director; Lisa A. Turner, Financial Specialist; Sylvester Gurnell, Licensing Specialist; and Mark Brengelman, Board Attorney. Absent Board members were and Doug Ferguson, Laura Justice, D.M.D., and Hank Sleet, D.M.D., M.D.

Visitors

Dr. Michael Misko, D.M.D.

Approval of Minutes

Dr. Dew motioned that the Minutes of the September 9, 2006 Board Meeting be accepted. Dr. Gaskill seconded the motion. All were in favor.

Director's Report

Mr. Gurnell provided an update on the status of the dental hygienists' 2007-2008 license renewals.

Mr. Clark advised that the 2008-2009 dental license renewal process will be on-line. The Board will provide a postcard reminder notice to all dentists noting that written renewals can be provided upon request.

Mr. Clark reviewed the agency budget through October 2006.

Mr. Clark advised that the Southern Dean's Conference will be held January 26 through 28, 2007 and asked that members interested in attending should complete and submit the appropriate registration as soon as possible. He noted the CAPTASA Conference will be held on those same dates in Lexington, Kentucky.

2007 Board Meetings are tentatively set for:

January 13, 2007	July 14, 2007
March 10, 2007	September 8, 2007
May 12, 2007	November 10, 2007

The Annual Kentucky Dental Association (KDA) meeting is also scheduled for May 12, 2007. The Board discussed arranging to have the May Board meeting held in conjunction with the KDA annual meeting. If such arrangements are confirmed, Board elections would be held from 8:00 a.m. until 1:00 p.m. and the Board meeting would be called to order at 2:00 p.m.

COMMITTEE REPORTS

Credentials Committee

Dr. Gaskill motioned that a dental hygiene license be issued to Mary Martini, R.D.H., Allison Burns, R.D.H., Donna Clark, R.D.H., and Stefanie Ham, R.D.H. Dr. Dew seconded the motion. All were in favor.

Law Enforcement Committee

Dr. Babcock motioned that the closed case report be accepted. Dr. Gaskill seconded the motion. All were in favor.

05-26 Mark Brengelman requested available members to serve on a hearing panel scheduled for February 23, 2007. Dianne Embry agreed to serve on the hearing panel.

06-11 and 06-30 The Board noted and confirmed receipt and acceptance of a signed Private Admonishment. Dr. Babcock motioned for the Board to enforce compliance with the signed Private Admonishment. Dr. Allen seconded the motion. All were in favor.

06-29 Dr. Gaskill motioned to accept Settlement Agreement. Dr. Allen seconded the motion. All were in favor.

06-37 Mark Brengelman requested available members to serve on a hearing panel scheduled for January 18 – 19, 2007. The Board delegated this case to its assigned Hearing Officer.

06-43 Dr. Babcock motioned to file a Notice of Administrative Hearing and Show Cause Order. Dr. Allen seconded the motion. All were in favor.

06-45 Dr. Dew motioned to go into closed session under KRS 616.810(c) and (j) to discuss pending litigation and an adjudication on an individual licensee with the Recommended Order and related correspondence from the Board's Hearing Officer. Dianne Embry seconded the motion. Drs. Dew and Babcock and Mr. Brengelman left the room. Dr. Gaskill motioned to come out of closed session. Dianne Embry seconded the motion. Dr. Allen motioned that the Recommended Order of the Board be sealed and a private admonishment be issued along with a Final Order reflecting the proceedings. Dr. Gaskill seconded the motion. Drs. Dew and Babcock recused themselves from the vote. Motion carried.

06-72 The Law Enforcement Committee provided an update on the status of the investigation.

06-78 Dr. Babcock motioned to file a Notice of Administrative Hearing and Show Cause Order. Dr. Gaskill seconded the motion. All were in favor.

06-91 Dr. Babcock motioned file a Notice of Administrative Hearing and Show Cause Order. Dr. Gaskill seconded the motion. All were in favor.

06-102 Dr. Gaskill motioned for the Board to issue a Temporary Immediate Suspension. Dr. Allen seconded the motion. All were in favor.

Drs. Babcock and Dew recused from voting on any of the above cases of the Law Enforcement Committee.

Well Being Committee

Dr. Babcock presented the Well Being Committee Report, which was previously submitted by Mr. Brian Fingerson.

Newsletter Committee

Mr. Clark provided an update on the Fall 2006 Newsletter and presented a letter requesting clarification on the Informed Consent article. The Board noted that the method of the dental practitioner obtaining informed consent from the patient, either in writing or verbally, should be documented by the dental practitioner in the patient record.

Old Business

Dr. Allen motioned to dissolve the Investigative Committee, which was created at the August 19, 2006 Board meeting, and to withdraw the proposal for a personal service contract to hire a private investigator for the purpose of investigating any breach of confidentiality at the Kentucky Board of Dentistry and to identify the author(s) of the anonymous letters alleging Board misconduct in the hiring of its Executive Director and appointment of Board President. Dr. Babcock seconded the motion. All were in favor.

Dr. Lee Schambach's second written request for reconsideration of licensure by credentials was considered. The Board encourages Dr. Schambach to meet with the Board at the next Board Meeting in January 2007 to further consider his licensure application status in Kentucky.

Dr. Michael Misko appeared to discuss his application for licensure by credentials in Kentucky. Dr. Gaskill moved to accept Dr. Misko's Application by Credentials to Practice Dentistry in Kentucky. Dr. Babcock seconded the motion. All were in favor.

Dr. Dew motioned to create an Educational Content Review Committee, which shall be charged with reviewing the content of Board approved education courses. Dr. Gaskill seconded the motion. All were in favor. Dr. Narramore appointed Marquetta Poynter, D.M.D, Board Investigator, Chris Babcock, D.M.D., M.D., and Jim Allen D.M.D. to serve on this committee.

Ms. Arnessa Craft requested reconsideration for the Board to approve her proposed radiography technique and safety course. Dr. Narramore referred Ms. Craft's letter and course information to the Educational Content Review Committee.

New Business

Dr. Douglas Clark requested an extension from the Board to comply with his Settlement Agreement for Agency Case No. 06-47. Dr. Gaskill motioned that an extension be granted until January 10, 2007. Dr. Allen seconded the motion. All were in favor.

Cynthia Wilson R.D. H. requested an extension from the Board to comply with continuing education requirements due to hardship and extenuating circumstances as permitted by law. Dr. Gaskill motioned an extension be granted through March 31, 2007 and that Ms. Wilson be audited for compliance following renewal cycle. Dr. Babcock seconded the motion. All were in favor.

Samantha Gunderson, a certified dental assistant from Indiana, requested certification in radiography in Kentucky. On behalf of Educational Content Review Committee, Dr. Babcock motioned that Ms. Gunderson's request be approved. All were in favor.

Kathy Kooker, a certified dental assistant from Iowa, requested certification in radiography in Kentucky. On behalf of Educational Content Review Committee, Dr. Babcock motioned that Ms. Gunderson's request be approved. All were in favor.

Gloria Lane requested certification in coronal polishing based upon her Expanded Duties Dental Assistant training in Florida. Dr. Babcock motioned that she be approved for coronal polishing certification. Dr. Dew seconded. All were in favor.

The Mississippi Board of Dental Examiners requested reciprocal recognition of Dental and Dental Hygiene Clinical Licensure Examinations administered by the Council of Interstate Testing Agencies (CITA). The Board noted that 201 KAR Chapter 8 does not allow Kentucky to accept tests administered by CITA and that it would take a regulatory change for the Board to accept this test. Dr. Narramore moved that he would respond by letter to Mississippi's request.

Dr. Robert Ross requested expungement of previous Board action from his record. The Board requested that Mr. Clark research the outcome of similar disciplinary actions of other dentists and related requests for expungement before proceeding with a Board Decision.

Dianne Embry motioned that the Board pursue legislation in the 2007 Kentucky General Assembly so that KRS 313.330 be amended to include Private Admonishments and other remedies consistent with KRS 313.130. Dr. Babcock seconded the motion. All were in favor.

Dr. Narramore and Dianne Embry R.D.H. agreed to participate in the Commission on Dental Accreditation's Allied Dental Education Site Visit at the Big Sandy Community and Technical College to evaluate the Dental Hygiene Program.

The Board agreed that Law Enforcement Committee members may earn up to seven hours of Category B Continuing Education credits for participating in Law Enforcement meetings.

Dr. Allen motioned for Board Members to obtain state-issued, photo identification badges for the purpose of certifying their status as members of the Kentucky Board of Dentistry. Dr. Babcock seconded the motion. All were in favor.

Dr. Babcock motioned that the previous Board ruling on dental assistant whitening procedures, dated August 1, 2005, be reversed and that a new declaratory ruling be issued allowing dental assistants to perform whitening procedures. Dr. Gaskill seconded the motion. All were in favor.

Dr. Allen motioned to adjourn the meeting at 1:45 p.m. Dr. Gaskill seconded the motion. All were in favor.

Next Board meeting is Saturday, January 13, 2007 at 9:00 a.m. at the Board office.

APPROVED:

David Narramore, D.M.D.
President

Bill Dew, D.M.D.
Vice President